

# Calendar No. 1823

82D CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1972

## MORRIS TUTNAUER

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 3527]

The Committee on the Judiciary, to which was referred the bill (H. R. 3527) for the relief of Morris Tutnauer, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill do pass.

#### AMENDMENT

On page 1, line 6, strike out the figures "\$10,000" and insert in lieu thereof "\$7,500".

#### PURPOSE

The purpose of the proposed legislation is to pay to Morris Tutnauer, of New York, N. Y., the sum of \$10,000 on account of injuries sustained by him when an automobile being operated by him was struck by a Department of the Army automobile on July 22, 1943, in Queens County, New York, N. Y., said Army vehicle being operated by a private of the United States Army.

#### STATEMENT

On July 22, 1943, at about 2:45 p. m., an Army 1½-ton cargo truck, operated by an enlisted man on official business, was proceeding north on Twenty-first Street, approaching its intersection with Jackson Boulevard, in Long Island City, Queens County, N. Y., at an estimated speed of from 20 to 25 miles per hour. At the same time a 1937 1½-ton Chevrolet truck, owned by the LeRoy Metal Co., 689 Kent Avenue, Brooklyn, N. Y., and operated by Morris Tutnauer, a partner of that firm, of 401 East Forty-eighth Street,

Brooklyn, was proceeding southwest on Jackson Boulevard, approaching the same intersection, at a speed estimated at 25 miles per hour. The intersection in question was protected by an electric traffic signal system. There is a sharp conflict of evidence as to which traffic had the green light. The Army driver with his two enlisted-men passengers stated they had the green light but which, according to Mr. Tutnauer and his son, who was riding with him at the time of the accident, was green for the civilian truck when both vehicles entered the intersection. The Army truck proceeded across the intersection in front of the truck driven by Mr. Tutnauer and the collision occurred. Mr. Tutnauer was thrown out of his truck to the pavement by the impact of the collision and received permanent injuries of a serious nature.

It would appear from the police report from the policeman who investigated the accident that the claimant herein was at fault, but in hearings before the subcommittee it was determined that the policeman involved interviewed only the two parties to the accident and only after the accident had occurred. Each one of the parties insisted that the other was negligent. As set forth in the House report one witness to the accident, John Anzovino, states that the accident was caused solely by the negligence of the Army driver in going through a red light. The committee has carefully considered all of the matters in relation to this accident and is constrained to agree with the conclusions reached by the House of Representatives. It is therefore recommended that H. R. 3527 be considered favorably. House Report No. 299 relating to this matter is herein included by reference.

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On page 1, line 1, strike out the figures "210,000" and insert in lieu thereof "27,500."

The purpose of the proposed legislation is to pay to Morris Tutnauer of New York, 7-27-28, the sum of \$27,500 as a reward for damages sustained by him when an automobile being operated by him was struck by a Department of the Army automobile on July 22, 1918, in Queens County, New York, N. Y., said automobile being operated by a private of the United States Army.

On July 22, 1918, at about 2:45 p. m., an Army 15-ton cargo truck, operated by an enlisted man on official business, was proceeding north on Townsend Street, approaching its intersection with Jackson Boulevard in Long Island City, Queens County, N. Y., at an estimated speed of about 25 to 35 miles per hour. At the same time a 1917 15-ton Chevrolet truck, owned by the Lefroy Metal Co., 682 West Avenue, Brooklyn, N. Y., and operated by Morris Tutnauer, a partner of that firm, of 301 East Forty-eighth Street,